

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
EDITH CRUZ BONILLA,

Plaintiff,

-against-

ANDREW M. SAUL,

Defendants.
-----X

AZRACK, United States District Judge:

For Online Publication Only

ORDER

20-cv-00807 (JMA)(SIL)

**FILED
CLERK**

1:54 pm, Mar 01, 2022

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Plaintiff Edith Cruz Bonilla (“Plaintiff”) commenced this action on February 13, 2020, against Andrew M. Saul, Commissioner of Social Security Administration (“Defendant”) seeking review and reversal of a final administrative determination of the Commissioner of Social Security Administration denying Plaintiff’s September 27, 2016 application for disability benefits under Title II of the Social Security Act. (ECF No. 1.) On December 4, 2020, the parties filed cross-motions for judgment on the pleadings. (ECF No. 14,15.) On December 21, 2020, the Court referred the motions to Magistrate Judge A. Kathleen Tomlinson for a Report and Recommendation (“R&R”). (Electronic Order dated 12/21/2020.) On November 23, 2021, the motions were reassigned to Magistrate Judge Steven I. Locke who issued, on January 28, 2022, the R&R currently before the Court. (ECF No. 17.)

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or ... recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). “Where parties receive clear notice of the

consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision." Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App'x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, "the district court need only satisfy itself that there is no clear error on the face of the record." Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted). No objections have been filed and the time for doing so has since passed.

I have reviewed Judge Locke's R&R for clear error, and finding none, I adopt the R&R in its entirety as the opinion of this Court. Accordingly, Plaintiff's motion for judgment on the pleadings is GRANTED, the Commissioner's cross-motion for judgment on the pleadings is DENIED, and the case is remanded to the Commissioner for further proceedings consistent with the R&R.

SO ORDERED.

Dated: March 1, 2022
Central Islip, New York

_____/s/ JMA_____
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE